



# Garner Police Department Written Directive

**Chapter:** 800 - Operations

**Directive:** 810.10 - Departmental On-Call Procedure

**Authorized by:** Chief Joe Binns

**Effective Date:** June 15, 2021

**CALEA Standards:** 42.1.1 (5<sup>th</sup> Edition)

## 810.10.1 - Purpose

The purpose of this directive is to establish guidelines for all police personnel who are compensated for being placed on-call or on stand-by or who are not compensated but are subject-to-call.

## 810.10.2 - Policy

It is the policy of the Garner Police Department to maintain the availability to return off-duty personnel to work as necessary on a 24 hour-per-day basis to respond in an appropriate manner to crimes and other incidents occurring in or impacting the Town.

## 810.10.3 - Definitions

A. Call-back: When an employee who is off-duty is ordered to return to duty.

1. Compensable time in call-back duty (whether "on-call" or "subject-to-call") begins when the employee leaves home and ends when the employee returns home. If the employee does not go directly home after the call back, the normal travel time from the employee's residence to the applicable department building shall be added to the time when the employee left home originally plus the hours worked during the call back (see the Town of Garner *Personnel Policies and Procedures Manual*, Section 7).
2. Employees classified as exempt from the provisions of the Fair Labor Standards Act are not eligible for call back pay.

B. On-call: The time that an employee is required to be available and respond to emergencies that may occur from the end of his regular workday to the beginning of the next workday (see the Town of Garner *Personnel Policies and Procedures Manual*, Section 7).

1. The following circumstances are defined as being "on-call" for the purposes of this directive:
  - a. On-call: Any employee who is required to be available to return to work upon request by a supervisor. Generally, this is scheduled in advance, and a list of assignments is posted prior to the date and time the employee is placed on-call.
  - b. Stand-by: Any employee who is required to stay by a phone, call in at certain times, or be available for call-back in case they are needed. This generally occurs during unusual occurrences such as severe weather, civil unrest, a search and rescue detail, etc. Typically, these events are unplanned and no prior notice is provided.
2. Non-exempt employees who are designated as being "on-call" are eligible for compensation in accordance with Town and Department policy.

- C. Subject-to-Call: The time that an employee is requested but not required to be available and respond to emergencies that may occur from the end of his regular workday to the beginning of the next workday; this status is typically reserved for employees assigned to part-time specialty positions such as the Special Response Team and Crisis Negotiations Team. Employees who are designated as being "subject-to-call" are not eligible for compensation until such time that they are called back to duty (see 810.10.3.A above).

#### **810.10.4 - Regulations and Limitations**

- A. Any employee who is designated to be "on-call" must:

1. Abstain from consuming alcoholic beverages and not have previously consumed any alcoholic beverages within 12 hours of scheduled on-call;
2. Carry a departmental issued or stipend-funded cell phone and ensure it is in a state of operational readiness at all times;
3. Respond to phone calls and/or text messages within fifteen (15) minutes;
4. Report to duty within sixty (60) minutes of the original notification; and
5. Respond in appropriate attire (uniform for patrol and approved attire for an investigator) unless requested otherwise by the on-duty supervisor.

- B. Any employee who is placed on "stand-by" status must:

1. Provide the requesting supervisor with a telephone number where they can be reached; Supervisors may also require employees to call in at certain times to see if they are needed;
2. Constantly monitor the telephone provided and respond within fifteen (15) minutes when contacted;
3. Report to duty within sixty (60) minutes of the original notification;
4. Abstain from consuming alcoholic beverages after being placed on stand-by;
5. Inform the requesting supervisor if he/she has consumed any alcoholic beverage within 12 hours prior to a request to return to duty; and
6. Report in appropriate uniform or approved attire as requested by the requesting supervisor if called back to duty.

- C. Any employee who is "subject to call" must:

1. Provide the requesting supervisor with a telephone or number where they can typically be reached;
2. Notify the requesting supervisor of any planned time periods extending longer than 24-hours where they will be unavailable for call;
3. Respond to phone calls and/or text messages within fifteen (15) minutes when contacted (unless notification has been given as noted in "2" above)
4. Inform the requesting supervisor if he/she has consumed any alcoholic beverage within 12 hours prior to a request to return to duty; and

5. Report in appropriate uniform or approved attire as requested by the requesting supervisor if called back to duty.

**810.10.5 – Investigations Division On-Call Procedure (41.1.1)**

- A. The Department will maintain an on-call schedule so that an investigator is available twenty-four (24) hours a day every day throughout the year.
- B. The Criminal Investigations Division (CID) Lieutenant will establish an on-call schedule for the Criminal Investigations Division and will ensure access to the schedule for all Department supervisors.
  1. The on-call list will be scheduled three (3) months prior to allow personnel to make appropriate plans for coverage.
  2. The on-call period will be established to ensure on-call availability as defined herein.
  3. It is permissible for an investigator to find a replacement for an on-call shift. The investigator must notify his supervisor of the schedule change.

**810.10.6 - Compensation**

All employees placed on on-call or stand-by status and/or called back to duty will receive compensation in accordance with Town policy and the Fair Labor Standards Act.

**810.10.7 - Non-Compensated Situations**

Many Department personnel are issued departmental cellular phones or are provided a stipend toward payment for a cellular phone. Such employees are issued cellular phones or stipends as a means of allowing the department to be able to reach them more readily. Being issued a cellular phone or stipend does not, in itself, qualify an employee for on-call status or compensation. Unless they are required to be on-call or on stand-by, these employees are not required to adhere to the conditions listed in 810.10.4, and therefore, are not compensated.